

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

# **MEMORANDUM AND ORDER**

This matter is before the Court on Defendant City of Ferguson’s motion (ECF No. 268) to stay proceedings pending interlocutory appeal of this Court’s August 6, 2019, Memorandum and Order denying the City’s motion to dismiss, under Federal Rule of Civil Procedure 19, for failure to join the City’s municipal court as a party (ECF No. 261). The City asserts that it is a matter of first impression in the Eighth Circuit whether the appellate court will have jurisdiction over the appeal, and that this Court should stay its hand while the Eighth Circuit decides the jurisdictional and other issues raised in the City’s appeal. The City relies primarily on caselaw holding that district court proceedings should be stayed during the appeal of a denial of a claim of absolute or qualified immunity. Plaintiffs oppose the motion.

Upon careful consideration of the arguments and legal authority presented by the parties, the Court concludes that a stay is not warranted. The City has not raised a colorable claim of its own immunity, and the Court declines to exercise its discretion to enter another stay and further prolong this litigation.

Accordingly,

**IT IS HEREBY ORDERED** that Defendant's motion to stay proceedings pending interlocutory appeal is **DENIED**. ECF No. 268.

*Audrey G. Fleissig*  
AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE

Dated this 19th day of September, 2019.